



General Assembly

***Substitute Bill No. 5286***

***February Session, 2002***

***AN ACT CONCERNING PUBLIC HEALTH EMERGENCY RESPONSE  
AUTHORITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subsection (a) of section 19a-7 of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective from*  
3       *passage*):

4       (a) The Department of Public Health shall be the lead agency for  
5       public health planning and shall assist communities in the  
6       development of collaborative health planning activities which address  
7       public health issues on a regional basis or which respond to public  
8       health needs having state-wide significance. The department shall  
9       prepare a multiyear state health plan which will provide an  
10      assessment of the health of Connecticut's population and the  
11      availability of health facilities. The plan shall include: (1) Policy  
12      recommendations regarding allocation of resources; (2) public health  
13      priorities; (3) quantitative goals and objectives with respect to the  
14      appropriate supply, distribution and organization of public health  
15      resources; [and] (4) evaluation of the implications of new technology  
16      for the organization, delivery and equitable distribution of services. In  
17      the development of the plan the department shall consider the  
18      recommendations of any advisory bodies which may be established by  
19      the commissioner; and (5) emergency responses to a public health  
20      emergency, as defined in section 28-1, as amended by this act.

21 Sec. 2. Section 19a-91 of the general statutes is repealed and the  
22 following is substituted in lieu thereof (*Effective from passage*):

23 (a) The Commissioner of Public Health shall oversee the  
24 transportation, storage and disposal of the bodies of deceased persons  
25 in a public health emergency, as defined in section 28-1, as amended  
26 by this act.

27 (b) The Department of Public Health [may] shall adopt [such]  
28 regulations, in accordance with chapter 54, concerning the preparation  
29 and transportation of the bodies of deceased persons to be removed  
30 from or into the limits of any town or into any adjoining state, as the  
31 public health and welfare may require, including the transportation,  
32 storage and disposal of bodies of deceased persons in a public health  
33 emergency. Such regulations shall be signed by the [Commissioner of  
34 Public Health] commissioner, and a copy thereof shall be mailed to  
35 each town clerk, licensed embalmer and funeral director at least fifteen  
36 days before such regulations take effect. Any person who violates any  
37 regulation of the department adopted pursuant to the provisions of  
38 this section shall be fined not more than fifty dollars.

39 Sec. 3. Subdivision (1) of subsection (a) of section 19a-215 of the  
40 general statutes is repealed and the following is substituted in lieu  
41 thereof (*Effective from passage*):

42 (1) "Commissioner's list of reportable diseases and laboratory  
43 findings" means the list developed pursuant to section 19a-2a, and  
44 anthrax and other diseases likely to be caused by bioterrorism.

45 Sec. 4. Subsection (b) of section 19a-221 of the general statutes is  
46 repealed and the following is substituted in lieu thereof (*Effective from*  
47 *passage*):

48 (b) Any town, city, [or] borough or district director of health may  
49 order any person into confinement whom he has reasonable grounds  
50 to believe to be infected with any communicable disease and any  
51 person who intentionally or unintentionally harbors in or on the body

52 amounts of radioactive material sufficient to constitute a radiation  
53 hazard to others and [who is unable or unwilling to conduct himself in  
54 such manner as to not expose other persons to danger of infection or  
55 irradiation whenever] such director determines such person poses a  
56 substantial threat to the public health and [such action] confinement is  
57 necessary to protect or preserve the public health.

58 Sec. 5. Section 19a-221 of the general statutes is amended by adding  
59 subsection (n) as follows (*Effective from passage*):

60 (NEW) (n) The director of health may apply to the court of probate  
61 for the district in which a person described in subsection (b) of this  
62 section resides, or is confined to, for an order enforcing the provisions  
63 of any order issued by the director of health pursuant to said  
64 subsection (b).

65 Sec. 6. Section 19a-222 of the general statutes is repealed and the  
66 following is substituted in lieu thereof (*Effective from passage*):

67 (a) Directors of health and boards of health may adopt such  
68 measures for, or the director of health may issue an order for, the  
69 general vaccination of all or some of the inhabitants of their respective  
70 towns, cities or boroughs as they deem reasonable and necessary in  
71 order to prevent the introduction or arrest the progress of smallpox or  
72 other communicable disease when the director determines that  
73 smallpox or other communicable disease poses a substantial threat to  
74 the public health and such vaccination is necessary to protect or  
75 preserve the public health, and the expenses in whole or in part of such  
76 general vaccination shall, upon their order, be paid out of the town,  
77 city or borough treasury, as the case may be. Any person who refuses  
78 to be vaccinated, or who prevents a person under his care and control  
79 from being vaccinated, on application being made by the director of  
80 health or board of health or by a physician employed by the director of  
81 health or board of health for that purpose, unless, in the opinion of  
82 another physician, it would not be prudent on account of sickness,  
83 shall be fined not more than five dollars.

84     (b) Each person required to be vaccinated pursuant to subsection (a)  
85     of this section shall receive notice of an order to be vaccinated. The  
86     order shall contain a notice of the right to appeal the order in  
87     accordance with subsection (c) of this section.

88     (c) Any person who has received an order pursuant to subsection  
89     (b) of this section may appeal such order to the Superior Court, not  
90     later than forty-eight hours from the time of receipt of such order. If  
91     the court, at a hearing, finds by clear and convincing evidence that the  
92     person needs to be vaccinated in order to protect and preserve the  
93     public health, such court shall order the person to be vaccinated.

94     (d) The director of health may apply to the Superior Court for an  
95     order enforcing any order issued pursuant to this section requiring a  
96     person to be vaccinated and such other equitable relief as the court  
97     deems appropriate.

98     Sec. 7. Section 28-1 of the general statutes is repealed and the  
99     following is substituted in lieu thereof (*Effective from passage*):

100     As used in this chapter:

101     (a) "Attack" means any attack or series of attacks by an enemy of the  
102     United States causing, or which may cause, substantial damage or  
103     injury to civilian property or persons in the United States in any  
104     manner by sabotage or by the use of bombs, shellfire or atomic,  
105     radiological, chemical, bacteriological or biological means or other  
106     weapons or processes.

107     (b) "Major disaster" means any hurricane, storm, flood, high water,  
108     wind-driven water, tidal wave, tsunami, earthquake, volcanic  
109     eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or  
110     other catastrophe in any part of this state which, in the determination  
111     of the President, causes damage of sufficient severity and magnitude  
112     to warrant major disaster assistance under the Federal Disaster Relief  
113     Act of 1974, above and beyond emergency services by the federal  
114     government, to supplement the efforts and available resources of this

115 state, local governments thereof, and disaster relief organizations in  
116 alleviating the damage, loss, hardship, or suffering caused thereby.

117 (c) "Emergency" means any hurricane, tornado, storm, flood, high  
118 water, wind-driven water, tidal wave, tsunami, earthquake, volcanic  
119 eruption, landslide, mudslide, snowstorm, drought, fire explosion, or  
120 other catastrophe in any part of this state which requires federal  
121 emergency assistance to supplement state and local efforts to save lives  
122 and protect property, public health and safety or to avert or lessen the  
123 threat of a disaster and shall include a public health emergency as  
124 defined in subsection (k) of this section.

125 (d) "Civil preparedness" means all those activities and measures  
126 designed or undertaken (1) to minimize or control the effects upon the  
127 civilian population of major disaster, (2) to minimize the effects upon  
128 the civilian population caused or which would be caused by an attack  
129 upon the United States, (3) to deal with the immediate emergency  
130 conditions which would be created by any such attack, major disaster  
131 or emergency and (4) to effectuate emergency repairs to, or the  
132 emergency restoration of, vital utilities and facilities destroyed or  
133 damaged by any such attack, major disaster or emergency. Such term  
134 shall include, but shall not be limited to, (A) measures to be taken in  
135 preparation for anticipated attack, major disaster or emergency,  
136 including the establishment of appropriate organizations, operational  
137 plans and supporting agreements; the recruitment and training of  
138 personnel; the conduct of research; the procurement and stockpiling of  
139 necessary materials and supplies; the provision of suitable warning  
140 systems; the construction and preparation of shelters, shelter areas and  
141 control centers; and, when appropriate, the nonmilitary evacuation of  
142 the civilian population; (B) measures to be taken during attack, major  
143 disaster or emergency, including the enforcement of passive defense  
144 regulations prescribed by duly established military or civil authorities;  
145 the evacuation of personnel to shelter areas; the control of traffic and  
146 panic; and the control and use of lighting and civil communication;  
147 and (C) measures to be taken following attack, major disaster or  
148 emergency, including activities for fire fighting; rescue, emergency

149 medical, health and sanitation services; monitoring for specific hazards  
150 of special weapons; unexploded bomb reconnaissance; essential debris  
151 clearance; emergency welfare measures; and immediately essential  
152 emergency repair or restoration of damaged vital facilities.

153 (e) "Civil preparedness forces" means any organized personnel  
154 engaged in carrying out civil preparedness functions in accordance  
155 with the provisions of this chapter or any regulation or order  
156 thereunder. All the police and fire forces of the state or any political  
157 subdivision of the state, or any part of any political subdivision,  
158 including all the auxiliaries of these forces, shall be construed to be a  
159 part of the civil preparedness forces. Any member of the civil  
160 preparedness forces who is called upon either by civil preparedness  
161 personnel or state or municipal police personnel to assist in any  
162 emergency shall be deemed to be engaging in civil preparedness duty  
163 while assisting in such emergency or while engaging in training under  
164 the auspices of the Office of Emergency Management or the state or  
165 municipal police department, for the purpose of eligibility for death,  
166 disability and injury benefits as provided in section 28-14.

167 (f) "Mobile support unit" means an organization of civil  
168 preparedness forces created in accordance with the provisions of this  
169 chapter to be dispatched by the Governor or state director of  
170 emergency management supplement civil preparedness forces in a  
171 stricken or threatened area.

172 (g) "Civil preparedness emergency" or "disaster emergency" mean  
173 an emergency declared by the Governor under the provisions of this  
174 chapter in the event of serious disaster or of enemy attack, sabotage or  
175 other hostile action within the state or a neighboring state, or in the  
176 event of the imminence thereof.

177 (h) "Local civil preparedness emergency" or "disaster emergency"  
178 mean an emergency declared by the chief executive officer of any town  
179 or city in the event of serious disaster affecting such town or city.

180 (i) "Governor" means the Governor or anyone legally administering

181 the office of Governor.

182 (j) "Political subdivision" means any city, town, municipality,  
183 borough or other unit of local government.

184 (k) "Public health emergency" means an imminent threat or  
185 occurrence of a communicable disease that poses a substantial risk of  
186 death to a significant number of persons over a short period of time.

187 Sec. 8. Subsection (a) of section 28-5 of the general statutes is  
188 repealed and the following is substituted in lieu thereof (*Effective from*  
189 *passage*):

190 (a) The director may make studies and surveys of the manpower,  
191 industries, resources and facilities of the state to ascertain the  
192 capabilities of the state for civil preparedness and to plan for their  
193 most efficient use in time of emergency. The director shall consult with  
194 the Commissioner of Public Health concerning preparation for an  
195 emergency response to a public health emergency. The director may  
196 apply to the superior court for the judicial district of Hartford, or to a  
197 judge of said court if the court is not in session, for a subpoena to  
198 compel the attendance of witnesses or the production of books, papers,  
199 records or documents of individuals, firms, associations or  
200 corporations as may be necessary to the effective preparation of the  
201 civil preparedness of the state. Said court or such judge shall, before  
202 issuing such subpoena, provide adequate opportunity for the director  
203 and the party against whom the subpoena is requested to be heard. No  
204 such subpoena shall issue unless the court or judge certifies that the  
205 attendance of such witness or the production of such books, papers,  
206 records or documents is reasonably necessary to the effective  
207 preparation of the civil preparedness of the state and that the director  
208 has made reasonable efforts to secure such attendance or such books,  
209 papers, records or documents without recourse to compulsory process.

210 Sec. 9. Section 28-9 of the general statutes is repealed and the  
211 following is substituted in lieu thereof (*Effective from passage*):

212 In the event of serious disaster, enemy attack, sabotage or other  
213 hostile action or in the event of the imminence thereof, or in the event  
214 of a public health emergency, the Governor may proclaim that a state  
215 of civil preparedness emergency exists, in which event he may  
216 personally take direct operational control of any or all parts of the civil  
217 preparedness forces and functions in the state. Any such proclamation  
218 shall be effective upon filing with the Secretary of the State. Any such  
219 proclamation, or order issued pursuant thereto, issued by the  
220 Governor because of a disaster resulting from man-made cause may be  
221 disapproved by majority vote of a joint legislative committee  
222 consisting of the president pro tempore of the Senate, the speaker of  
223 the House of Representatives and the majority and minority leaders of  
224 both houses of the General Assembly, provided at least one of the  
225 minority leaders votes for such disapproval. Such disapproval shall  
226 not be effective unless filed with the Secretary of the State within  
227 seventy-two hours of the filing of the Governor's proclamation with  
228 the Secretary of the State. As soon as possible after such proclamation,  
229 if the General Assembly is not then in session, the Governor shall meet  
230 with the president pro tempore of the Senate, the speaker of the House  
231 of Representatives, and the majority and minority leaders of both  
232 houses of the General Assembly and shall confer with them on the  
233 advisability of calling a special session of the General Assembly. Upon  
234 such proclamation, the following provisions of this section and the  
235 provisions of section 28-11, as amended by this act, shall immediately  
236 become effective and shall continue in effect until the Governor  
237 proclaims the end of the civil preparedness emergency:

238 [(a)] (1) The Governor is authorized and empowered to modify or  
239 suspend in whole or in part, by order as hereinafter provided, any  
240 statute, regulation or requirement or part thereof whenever in his  
241 opinion it is in conflict with the efficient and expeditious execution of  
242 civil preparedness functions. The Governor shall specify in such order  
243 the reason or reasons therefor and any statute, regulation or  
244 requirement or part thereof to be modified or suspended and the  
245 period, not exceeding six months unless sooner revoked, during which



246 such order, modification or suspension shall be enforced. Any such  
247 order shall have the full force and effect of law upon the filing of the  
248 full text thereof in the office of the Secretary of the State. The Secretary  
249 of the State shall, within four days after receipt of the order, cause such  
250 order to be printed and published in full in at least one issue of a  
251 newspaper published in each county and having general circulation  
252 therein, but failure to publish shall not impair the validity of such  
253 order. Any statute, regulation or requirement inconsistent therewith  
254 shall be inoperative for the effective period of such order or  
255 suspension. Any such order shall be communicated by the Governor at  
256 the earliest date to both houses of the General Assembly.

257 [(b)] (2) The Governor may order into action all or any part of the  
258 Office of Emergency Management or local or joint organizations for  
259 civil preparedness mobile support units or any other civil  
260 preparedness forces.

261 [(c)] (3) The Governor shall order and enforce such blackouts and  
262 radio silences as are authorized by the United States Army or its duly  
263 designated agency and may take any other precautionary measures  
264 reasonably necessary in the light of the emergency.

265 [(d)] (4) The Governor may designate such vehicles and persons as  
266 shall be permitted to move and the routes which they shall follow.

267 [(e)] (5) The Governor shall take appropriate measures for  
268 protecting the health and safety of inmates of state institutions and  
269 children in schools.

270 [(f)] (6) The Governor may order the evacuation of all or part of the  
271 population of stricken or threatened areas and may take such steps as  
272 are necessary for the receipt and care of such evacuees.

273 [(g)] (7) The Governor may take such other steps as are reasonably  
274 necessary in the light of the emergency to protect the health, safety and  
275 welfare of the people of the state, to prevent or minimize loss or  
276 destruction of property and to minimize the effects of hostile action.

277     ~~[(h)]~~ (8) In order to insure the automatic and effective operation of  
278 civil preparedness in the event of enemy attack, sabotage or other  
279 hostile action, or in the event of the imminence thereof, the Governor  
280 may, at his discretion, at any time prior to actual development of such  
281 conditions, issue such proclamations and executive orders as he deems  
282 necessary, such proclamations and orders to become effective only  
283 under such conditions.

284     Sec. 10. Subsection (a) of section 28-11 of the general statutes is  
285 repealed and the following is substituted in lieu thereof (*Effective from*  
286 *passage*):

287     (a) During the existence of a civil preparedness emergency, the  
288 Governor may, in the event of shortage or disaster making such action  
289 necessary for the protection of the public, take possession (1) of any  
290 land or buildings, machinery or equipment; (2) of any horses, vehicles,  
291 motor vehicles, aircraft, ships, boats, rolling stock of steam, diesel or  
292 electric railroads or any other means of conveyance whatsoever; (3) of  
293 any cattle, poultry or any provisions for man or beast, and any fuel,  
294 gasoline or other means of propulsion and any antitoxins or other  
295 biologic products necessary or convenient for the use of the military or  
296 naval forces of the state or of the United States, or for the better  
297 protection of the welfare and public health of the state or its  
298 inhabitants according to the purposes of this chapter.

299     Sec. 11. (NEW) (*Effective from passage*) (a) For the purposes of this  
300 section, (1) "communicable disease" means a disease or condition, the  
301 infectious agent of which may pass or be carried, directly or indirectly,  
302 from the body of one person or animal to the body of another person  
303 or animal; and (2) "respondent" means a person ordered confined  
304 pursuant to this section.

305     (b) Notwithstanding the provisions of section 19a-221 of the general  
306 statutes, as amended by this act, if the Governor has declared a public  
307 health emergency, the Commissioner of Public Health may order into  
308 confinement any person whom the commissioner has reasonable

309 grounds to believe to be infected with any communicable disease or at  
310 substantial risk of having a communicable disease or passing such  
311 communicable disease to other persons if the commissioner  
312 determines such person poses a substantial threat to the public health  
313 and confinement is necessary to protect or preserve the public health.

314 (c) The order by the commissioner shall be in writing and contain:  
315 (1) (A) The name of the person or persons to be confined, or (B) the  
316 name of the geographic area where such communicable disease is  
317 present and such persons living in such area are to be confined, (2) the  
318 basis for the commissioner's belief that the person has a communicable  
319 disease or is at a substantial risk of having a communicable disease or  
320 passing such communicable disease to other persons, that the person  
321 poses a substantial threat to the public health and that confinement is  
322 necessary to protect or preserve the public health, (3) the period of  
323 time during which the order shall remain effective, (4) the place of  
324 confinement as designated by the commissioner, and (5) such other  
325 terms and conditions as may be necessary to protect and preserve the  
326 public health. Such order shall also inform the person confined that  
327 such person has the right to consult an attorney, the right to a hearing  
328 pursuant to this section and that if such a hearing is requested, such  
329 person has the right to be represented by counsel, and that counsel  
330 shall be provided at the state's expense if such person is unable to pay  
331 for such counsel. A copy of the order shall be given to such person or  
332 by publication if the order is to quarantine individuals in a geographic  
333 area. The order shall be effective for not more than fifteen days,  
334 provided further orders of confinement pursuant to this section may  
335 be issued as to any respondent for successive periods of not more than  
336 fifteen days if issued before the last business day of the preceding  
337 period of confinement.

338 (d) A person ordered confined under this section shall be confined  
339 in a place designated by the commissioner until such time as the  
340 commissioner determines such person no longer poses a substantial  
341 threat to the public health or is released by order of a court of  
342 competent jurisdiction. Any person who desires treatment by prayer or

343 spiritual means without the use of any drugs or material remedies, but  
344 through the use of the principles, tenets or teachings of any church  
345 incorporated under chapter 598 of the general statutes, may be so  
346 treated during such person's confinement in such place.

347 (e) A person confined under this section shall have the right to a  
348 hearing before the Superior Court and, if such person or such person's  
349 representative requests a hearing in writing, such hearing shall be held  
350 within seventy-two hours of receipt of such request, excluding  
351 Saturdays, Sundays and legal holidays. A request for a hearing shall  
352 not stay the order of confinement issued by the commissioner under  
353 this section. If the order of confinement applies to persons living in a  
354 named geographic area, the court may authorize one or more attorneys  
355 to represent all the persons living in the named geographic area where  
356 there is a commonality of interests of such persons. The hearing shall  
357 be held to determine if (1) the person ordered confined is infected with  
358 a communicable disease or at substantial risk of having a  
359 communicable disease or passing a communicable disease to other  
360 persons, (2) the person poses a substantial threat to the public health,  
361 and (3) confinement of the person is necessary and the least restrictive  
362 alternative to protect and preserve the public health.

363 (f) At such hearing, the commissioner shall have the burden of  
364 showing by clear and convincing evidence that the respondent is  
365 infected with any communicable disease or at substantial risk of  
366 having a communicable disease or passing such communicable disease  
367 to other persons and poses a substantial threat to the public health and  
368 that confinement of the respondent is necessary and the least  
369 restrictive alternative to protect and preserve the public health.

370 (g) If the court, on such hearing, finds by clear and convincing  
371 evidence that the respondent is infected with a communicable disease  
372 or at substantial risk of having a communicable disease and poses a  
373 substantial threat to the public health and that confinement of the  
374 respondent is necessary and the least restrictive alternative to protect  
375 and preserve the public health, it shall order (1) the continued

376 confinement of the respondent under such terms and conditions as it  
377 deems appropriate until such time as it is determined that his release  
378 would not constitute a substantial threat to the public health, or (2) the  
379 release of the respondent under such terms and conditions as it deems  
380 appropriate to protect the public health.

381 (h) If the court, on such hearing, fails to find that the conditions  
382 required for an order for confinement have been proven, it shall order  
383 the immediate release of the respondent.

384 (i) The commissioner may apply to the Superior Court for an order  
385 enforcing the provisions of any order issued by the commissioner  
386 pursuant to subsection (b) of this section and such other equitable  
387 relief as the court deems appropriate.

388 Sec. 12. (NEW) (*Effective from passage*) (a) If the Governor declares a  
389 public health emergency, the Commissioner of Public Health may  
390 issue an order for the vaccination of such persons as the commissioner  
391 deems reasonable and necessary in order to prevent the introduction  
392 or arrest the progress of a communicable disease if the commissioner  
393 determines that such communicable disease poses a substantial threat  
394 to the public health and such vaccination is necessary to protect and  
395 preserve the public health. A copy of the order shall be given to such  
396 person or by publication if the order is to vaccinate individuals in a  
397 geographic area. The commissioner may apply to the Superior Court  
398 for an order enforcing any order issued pursuant to this section and  
399 such equitable relief as the court deems appropriate.

400 (b) Any person to whom an order of vaccination is applicable may  
401 appeal such order not later than forty-eight hours after receipt of the  
402 order to the Superior Court. If the order applies to individuals in a  
403 geographic area, the court may appoint one or more attorneys to  
404 represent all persons subject to such order who have a commonality of  
405 interests. If the court, on such hearing, finds by clear and convincing  
406 evidence that the person or persons should be vaccinated in order to  
407 protect and preserve the public health, it shall order such person to be

408 vaccinated.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>

**PH**        *Joint Favorable Subst.-LCO*

**PS**        *Joint Favorable*

**JUD**       *Joint Favorable*